IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION No.3203 of 2007

Nanikram Lachhmandas Rohra ..Applicant.

Vs.

The State of Maharashtra ..Respondent.

Mr C. K. Dave, Advocate for the Applicant.

Mr K. V. Saste, A.P.P. for the State.

Mr J. S. Chandnani, Advocate for the Respondent No.2.

CORAM: V. C. DAGA,J.
DATED: 10TH OCT, 2007.

P.C.:-

1. Heard learned Advocate for the applicant- accused, learned A.P.P.for the State and learned counsel for the Respondent No.2-complainant.

2. Perused application and the material available on record.

3. The applicant - original accused No.3 is seeking anticipatory bail under Section 438 of the Cr.P.C. in Criminal Case No. 442 of 2007, filed by the respondent no.2, pending in the Court of the Judicial Magistrate, Ulhasnagar for the offence punishable under Sections 420, 467, 468, 471 read with section

34 of the I.P.C.

4. Learned counsel for the applicant submits that the documents filed on record together with the record maintained by the Investigating Officer suggest that there are multiple litigation proceedings pending between the complainant-respondent no.2 and the accused. Different appeals and revisions are going on between the parties. Whether the document prepared is a false or fabricated could be a matter of quasi judicial scrutiny in the pending proceedings. For this purpose custodial investigation at the hands of police is not necessary.

5. Having seen the material on record in the light of the charges alleged under Sections 420, 467, 468, 471 read with section 34 of the I.P.C., I am inclined to grant anticipatory bail to the applicant.

6. In the result, the applicant in the event of arrest in Criminal Case No. 442 of 2007 pending in the Court of the Judicial Magistrate, First Class, Ulhasnagar, District Thane be released on bail on his furnishing personal bond in the sum of Rs.50,000/- with one solvent surety in the like amount on

following terms and conditions:

a] the said applicant shall co-operate with the I.O. and shall attend him as and when called. He shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

b] the said applicant shall not pressurise witnesses and that he shall co-operate with the learned Trial Judge for speedy disposal of the case.

c] The applicant is put on notice that on a report by the State in violating any of the conditions by him, mentioned herein, shall result in cancellation of this bail order.

7. This order of anticipatory bail shall remain in force till the conclusion of the trial.

8. Any observation made in this order shall

not be construed as finding or expression on merits of the case at the time of trial.

9. The application is allowed in the above terms.

(V.C.DAGA,J.)